

By Facsimile

REMARKS

This communication is considered fully responsive to the Office action mailed April 14, 2005. Claims 1-46 were examined and stand rejected. Claims 15, 21, 31 and 39 are amended. No claims are cancelled. No claims are added. Reexamination and reconsideration are requested.

Response to Amendment and Response to Arguments

Applicant hereby acknowledges that in response to Applicant's previous Amendment and Arguments the Office has withdrawn the finality of the previous Office Action and has withdrawn the rejection(s) under Edgar, US Patent No. 6,075,590. The new objections and rejections are addressed herebelow.

Specification Objection

The Office has objected to the specification on the grounds that it contains embedded hyperlinks or other browser-executable codes.

Applicant has hereby amended the offending paragraphs (¶¶s 0042 and 0050) to remove the hyperlinks or other browser-executable codes. Only the unique titles and/or identifiers *without* hyperlink capabilities or executable codes now remain (see MPEP 608.01 defining hyperlinks and/or other browser-executable codes as having an "http://" prefix). Applicant further notes that the present application as published, see US 2003/0012453 A1, has had the hyperlinks "turned off" so the purpose behind the objection (see MPEP 608.01) has therefore previously been fully satisfied regardless the consequence of the present amendments. This objection has thus been fully obviated and/or traversed and can thus be withdrawn. Action to this end is respectfully requested.

Claim Objections – 37 CFR §1.75(a)

The Office has objected to claims 9, 10, 15 and 21 (and 31?) as purportedly failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

The objection to claims 9 and 10 is that there is allegedly no antecedent basis for "[t]he method of claim 3" and "[t]he method of claim 4," respectively. Applicant respectfully responds that claims 3 and 4 do indeed exist and by such mere existence

By Facsimile

thereby provide sufficient and proper antecedent bases for recitation in respective claims 9 and 10. Though this discussion should prove sufficient to eliminate this issue, Applicant also notes that claims 9 and 10 were previously amended to recite "a vicinity" as opposed to the previously claimed "the vicinity." This amendment was also previously and identically made in the previously objected to claim 7. Thus, claims 9 and 10 are now and have been as distinctively clear as the now un-objectable claim 7. As these currently-discussed elements are virtually identical to the previously amended element of claim 7, these currently-discussed elements must also be sufficiently compliant with section 112, and the attendant 37 CFR §1.75(a). No amendment is thus made and withdrawal of this objection is respectfully requested.

Claims 15, 21 and 31 have been amended to adopt claim terminology like those suggested by the Examiner. Applicant nevertheless notes disagreement with and non-acquiescence in the Examiner's comments concerning the specification support for alternative implementations of Applicant's invention. Indeed, as understood by those of ordinary skill in the art, a "linear interpolation" as now claimed, may include one "linear interpretation" or multiple "linear interpolations" whether combined or not. The scope of claims 15 and 21 thus include these and any other variations as would be understood in the art.

Claim 31 (and the similarly worded claim 39) has been amended to clarify the "classified defect pixels" matching the language of the claim element which established such pixels.

The objections under 37 CFR §1.75(a) have thus been obviated and/or traversed and can be withdrawn. Action to this end is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 1, 2, 5-10, 12-17, 24, and 28-46 stand rejected under 35 U.S.C. §102(b) as being purportedly unpatentable over U.S. Patent No. 6,266,054 to Lawton et al. ("Lawton"). The Applicant traverses the rejections.

The Applicant respectfully submits that the Lawton reference, while indeed disclosing a method of defect correction, is nevertheless fundamentally different from the recited claims because it fails to disclose or suggest a primary element of all of the

By Facsimile

independent claims, namely, claims 1, 29, 31 and 39. Generally, Lawton discloses removal of distortions from a digital image. As such, Lawton is in the same broadly-defined field. However, the method disclosed in Lawton is nevertheless quite different from the invention recited in the claims of the present application.

As an initial exemplar, claim 1 recites:

1. A method of removing an object from a digital image derived from digital image data, the method comprising:
displaying the digital image;
specifying a sub-region of the displayed digital image that contains at least a part of the object and another sub-region of the displayed digital image that does not contain the object;
identifying the object to be removed by categorizing the digital image data in the sub-region that contains at least a part of the object into an object region and a non-object region; and
modifying the digital image data of the object region to more closely resemble the digital image data of the non-object region; and
combining noise into the modified digital image data of the object region.

As the primary example of the difference between Lawton and claim 1, the Applicant respectfully emphasizes that Lawton completely fails to disclose or suggest "combining noise into the modified digital image data ..."

Although the Office does conjecture the existence of a disclosure of the combining of "noise" in Lawton, neither is there any appearance of the word, nor of the concept of "noise" anywhere in the Lawton reference. This complete absence of any disclosure of "noise" alone or of its combination into an image overcomes any anticipation rejection based on Lawton.

In more detail, the Office alleges that the "characteristics of portions of the image" of Lawton (col. 2, line 37 [sic, should be 39]) which are used in the image correction method thereof are also "deteriorate[d] through use and age" (see Office Action, page 10, lines 2-6 and 8-10, *inter alia*) and thus should apparently and supposedly be considered "noise." In response, the Applicant notes that the only *things* which are described in Lawton as being associated with "deteriorat[ion] through use and age" are indeed not the correction "characteristics" but rather the "distortions" which are sought to be removed. In particular, see Lawton, col. 1, lines 33-43 where the problem of distortion creation and

By Facsimile

thence removal is introduced. More particularly, see lines 38-43 where it is noted that "[t]hese forms of deterioration [through use and age] typically cause relatively narrow, elongated regions of distortion in the image where the original image information has been lost. A common technique for removing such distortions" In fact, the self-same descriptor "deteriorate through use and age" appears only in this section of Lawton (see line 37) and does not appear anywhere else in the Lawton reference.

As a consequence, it should be noted that when the "deteriorat[ions] through use and age" create distortions to be removed, these are not also going to be re-inserted in the image. One of ordinary skill in the art would not read Lawton as defining the correction "characteristics" thereof as including the very distortions to be removed. The clear result to one of ordinary skill in the art of image processing is that the distortion itself does not constitute "noise." As a result, this recited feature is not disclosed or suggested by Lawton.

For at least the foregoing reasons, Lawton fails to disclose or suggest the recited feature of claim 1. Therefore, Lawton fails to anticipate or make obvious the invention of claim 1, and the Applicant accordingly requests allowance thereof.

Claims 2, 5-10, 12-17, 24, and 28 depend from claim 1, which has been shown herein to be allowable. As such, claims 2, 5-10, 12-17, 24, and 28 are also allowable for at least the same reasons as claim 1, and the Applicant earnestly requests that these Claims 1, 2, 5-10, 12-17, 24, and 28 be allowed.

Claim 29 is similar to claim 1, which has been shown herein to be allowable. As such, claim 29 is also allowable for at least the same reasons as claim 1, and the Applicant earnestly requests that claim 29 be allowed.

Claim 30 is similar to claim 28 and depends from claim 29, both of which having been shown hereinabove to be allowable. As such, claim 30 is also allowable for at least the same reasons as claims 28 and 29, and the Applicant earnestly requests that claim 30 be allowed.

Independent claims 31 and 39 share noise combination features like those of claims 1 and 29, and thus, claims 31 and 39 are allowable for at least the same reasons as claims 1 and 29, and the Applicant earnestly requests that claims 31 and 39 be allowed.

By Facsimile

Claims 32-38 depend from claim 31, which has been shown to be allowable. As such, claims 32-38 are allowable for at least the same reasons as claim 31, and the Applicant earnestly requests that claims 32-38 be allowed.

Claims 40-46 depend from claim 39, which has been shown to be allowable. As such, claims 40-46 are allowable for at least the same reasons as claim 39, and the Applicant earnestly requests that claims 40-46 be allowed.

For the foregoing reasons, the Applicant requests that claims 1, 2, 5-10, 12-17, 24, and 28-46 be allowed.

Claim Rejections – 35 U.S.C. §103

Claims 3, 4, [sic, should include 11?] 18-23, and 25-27 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over U.S. Patent No. 6,266,054 to Lawton et al. ("Lawton") in view of U.S. Patent No. 5,956,015 to Hino ("Hino"). The Applicant traverses the rejections.

All of these claims, namely, claims 3, 4, 11, 18-23, and 25-27 depend from claim 1, which has been shown above to be allowable. As such, claims 3, 4, 11, 18-23, and 25-27 are also allowable for at least the same reasons as claim 1, and the Applicant earnestly requests that claims 3, 4, 11, 18-23, and 25-27 be allowed.

For the foregoing reasons, the Applicant requests that claims 3, 4, 11, 18-23, and 25-27 be allowed.

Conclusion

Based on the amendments and remarks herein, the Applicant respectfully requests prompt issuance of a notice of allowance for claims 1- 46 in this matter.

Respectfully Submitted,

Dated: 7/14/2005

By: 

Peter B. Scull
Reg. No. 37,932
(720) 377-0773